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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,343	01/16/2001	James Huang	ACR0009-US	2147
28970	7590	08/26/2004	EXAMINER	
SHAW PITTMAN IP GROUP 1650 TYSONS BOULEVARD SUITE 1300 MCLEAN, VA 22102			CHO, HONG SOL	
			ART UNIT	PAPER NUMBER
			2662	
DATE MAILED: 08/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,343	HUANG, JAMES	
	Examiner	Art Unit	
	Hong Cho	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claim 1 appears to be in the category of an alternative limitation. The invention appears to claim either the method of routing packets directly to the destination if there exists a connection established from a source node to destination node or of finding routes dynamically between them if the route is not established. The examiner separates two alternatives at the line number 7, where the word "or" is found, of claim sheet number 18. Therefore, the examiner hereby only addresses the first alternative before "or", the method of routing packets directly to the destination if there exists a connection established from a source node to destination node. Consequently, claims 2-5, which are dependent on the second alternative, will not be addressed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claim 1 is rejected under 35 U.S.C. 102(b) as being unpatentable over Ogle et al (U.S 6052736) hereinafter referred to as Ogle.

Re claim 1, Ogle discloses sending packets to the destination node if the routing device finds out that a routing table exists to the destination

address of the received packets (*directly transporting messages to the destination host by the sending host*, column 6, lines 30-34). Ogle further discloses building a routing table in order to route packets to the destination node (*finding routes when a routing table does not exist*, column 6, lines 17-28).

Allowable Subject Matter

4. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim with the removal of the alternative expression, "or" and change it to read - - if not successful - -.
5. Claims 6-9 are allowable.

The following is an examiner's statement for reasons for allowance.

6. Claim 6 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose judging means for judging if the list comprises at least one IP address, pointing means for moving the pointer to point the last IP address of the list and when the searching means can not find the message-routing-in-charge host, the pointing means moves the pointer to point to an IP address previous to that presently pointed in the list, wherein the pointing means continuously moves the pointer to point to a previous IP address until the searching means find the message-routing-in-host or the judging means judges that the pointed IP address is the first IP address of the list. It is noted that the closest prior art, Ogle (US Patent 6052736) shows a

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method of routing packets from a source node to a destination by using a route table dynamically built by a master router. However, Ogle fails to suggest means for checking the number of IP addresses in the list and using pointer to the IP addresses if the list to determine domain name.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent (6738352) to Yamada et al discloses transfer destination determining process
- US Patent (6119171) to Alkhatib discloses domain name routing
- US Patent (6748446) to Sato et al discloses modification of routing path by intermediate delay apparatus


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 703-305-0343. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hong Cho
Patent Examiner
8-23-2004



RICKY NGO
PRIMARY EXAMINER